

Kathleen Sullivan (SBN 242261)  
kathleensullivan@quinnemanuel.com  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP

51 Madison Avenue, 22nd Floor  
New York, NY 10010

Telephone: (212) 849-7000

Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)

seanpak@quinnemanuel.com

Amy H. Candido (SBN 237829)

amycandido@quinnemanuel.com

John M. Neukom (SBN 275887)

johnneukom@quinnemanuel.com

QUINN EMANUEL URQUHART &  
SULLIVAN LLP

50 California Street, 22nd Floor

San Francisco, CA 94111

Telephone: (415) 875-6600

Facsimile: (415) 875-6700

David Nelson (*admitted pro hac vice*)

davenelson@quinnemanuel.com

QUINN EMANUEL URQUHART &  
SULLIVAN LLP

500 West Madison Street, Suite 2450

Telephone: (312) 705-7465

Facsimile: (312) 705-7401

Attorneys for Plaintiff  
CISCO SYSTEMS, INC.

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - # 84065

rvannest@kvn.com

BRIAN L. FERRALL - # 160847

bferrall@kvn.com

DAVID SILBERT - # 173128

dsilbert@kvn.com

MICHAEL S. KWUN - #198945

mkwun@kvn.com

633 Battery Street

San Francisco, CA 94111-1809

Telephone: (415) 391-5400

Facsimile: (415) 397 7188

JONATHAN M. JACOBSON, NY # 1350495

jjacobson@wsgr.com

CHUL PAK (pro hac vice)

cpak@wsgr.com

DAVID H. REICHENBERG (pro hac vice)

dreichenberg@wsgr.com

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

1301 Avenue of the Americas, 40th Floor

New York, NY 10019-6022

Telephone: (212) 999-5800

Attorneys for Defendant  
ARISTA NETWORKS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**STIPULATION AND [PROPOSED]  
ORDER REGARDING WILLFUL  
COPYRIGHT INFRINGEMENT**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 28, 2016

1 Plaintiff Cisco Systems, Inc. ("Cisco") and Defendant Arista Networks, Inc. ("Arista")  
2 hereby stipulate as follows:

3 The parties stipulate that the jury will not be instructed on nor decide copyright  
4 willfulness or copyright statutory damages. If the jury finds copyright infringement and Cisco  
5 elects an award of statutory damages, Arista stipulates that its infringement was willful for the  
6 sole purpose of calculating statutory damages, and the parties agree that the Court and not the jury  
7 shall determine an amount of statutory damages between \$750 and \$150,000 per work infringed.

8 SO STIPULATED.

9 Respectfully submitted,

10 Dated: December 7, 2016

11 By: /s/ Robert Van Nest

12 KEKER & VAN NEST LLP  
13 ROBERT A. VAN NEST - # 84065  
rvannest@kvn.com  
14 BRIAN L. FERRALL - # 160847  
bferrall@kvn.com  
15 DAVID J. SILBERT - # 173128  
dsilbert@kvn.com  
16 MICHAEL S. KWUN - # 198945  
mkwun@kvn.com  
633 Battery Street  
17 San Francisco, CA 94111-1809  
Telephone: (415) 391 5400  
18 Facsimile: (415) 397 7188

19 JONATHAN M. JACOBSON, NY # 1350495  
jjacobson@wsgr.com  
20 CHUL PAK (pro hac vice)  
cpak@wsgr.com  
21 DAVID H. REICHENBERG (pro hac vice)  
dreichenberg@wsgr.com  
22 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
23 1301 Avenue of the Americas, 40th Floor  
New York, NY 10019-6022  
24 Telephone: (212) 999-5800

25 SUSAN CREIGHTON, SBN 135528  
screighton@wsgr.com  
26 SCOTT A. SHER, SBN 190053  
ssher@wsgr.com  
27 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
28 1700 K Street NW, Fifth Floor  
Washington, D.C., 20006-3817

Telephone: (202) 973-8800

Attorneys for Defendant  
ARISTA NETWORKS, INC.

Dated: December 7, 2016

By: /s/ John M. Neukom

Kathleen Sullivan (SBN 242261)  
kathleensullivan@quinnemanuel.com  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)  
seanpak@quinnemanuel.com  
Amy H. Candido (SBN 237829)  
amycandido@quinnemanuel.com  
John M. Neukom (SBN 275887)  
johnneukom@quinnemanuel.com.  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
50 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

David Nelson (*admitted pro hac vice*)  
davenelson@quinnemanuel.com  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
500 West Madison Street, Suite 2450  
Telephone: (312) 705-7465  
Facsimile: (312) 705-7401

Steven Cherny (*pro hac vice*)  
steven.cherny@kirkland.com  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)  
adam.alper@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street  
San Francisco, California 94104  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)  
michael.devries@kirkland.com  
KIRKLAND & ELLIS LLP  
333 South Hope Street  
Los Angeles, California 90071  
Telephone: (213) 680-8400  
Facsimile: (213) 680-8500

Attorneys for Plaintiff  
CISCO SYSTEMS, INC.

**ATTORNEY ATTESTATION**

I hereby attest, pursuant to Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of John M. Neukom within this e-filed document.

/s/ Robert Van Nest

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2016

---

Hon. Beth Labson Freeman  
United States District Judge